



TECH CENTER 1600/2900

AUG 29 2001

RECEIVED

In re Patent Application of:

Scott E. ANDERSON *et al.*

Appl. No.: 09/553,094

Filed: April 18, 2000

For: **Nucleic Acid Molecules and Other  
Molecules Associated with Plants**

Art Unit: 1631

Examiner: M. Moran

Atty. Docket: 38-21(15503)B

### Response to Restriction Requirement

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed July 5, 2001, Applicants submit the following remarks.

#### *Remarks*

The application presently contains claims 1-7. In the Office Action mailed July 5, 2001, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

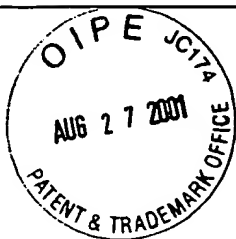
Group I: Claim 1, drawn to a substantially purified nucleic acid molecule, classified in class 536, subclass 23.6;

Group II: Claim 2, drawn to a substantially purified maize protein or fragment thereof, classified in class 530, subclass 370; and

Group III: Claims 3-7, drawn to a transformed plant, classified in class 435, subclass 468.

Applicants respectfully traverse the restriction requirement, and provisionally elect the

# ARNOLD & PORTER



August 27, 2001

David R. Marsh, Ph.D.  
David\_Marsh@aporter.com

202.942.5068  
202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206

RECEIVED  
AUG 28 2001  
TECH CENTER 1600/2900

Commissioner for Patents  
Washington, DC 20231

Group Art Unit: 1631  
Examiner: M. Moran

Re: U.S. Utility Patent Application Serial No. 09/553,094  
Filed: April 18, 2000  
For: Nucleic Acid Molecules and Other  
Molecules Associated with Plants  
Inventors: Scott E. ANDERSEN *et al.*  
Atty. Docket: 38-21(15503)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Restriction Requirement;
2. Petition for Extension of Time under 37 C.F.R. § 1.136 (in duplicate);
3. Check No. 200638 in the amount of \$110.00 to cover the fee for a 1-month extension of time; and
4. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time (other than those provided herewith) are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824. A duplicate copy of this letter is enclosed.

Sincerely,

David R. Marsh (Reg. No. 41,408)

Enclosures